

REMARKS

In light of the following remarks, reconsideration of the present application is respectfully requested. Claims 1 and 3-25 are pending. Claims 26-29 have been withdrawn. Claims 1 and 17 are independent. Claims 2 and 23 are cancelled without any disclaimer of the subject matter contained therein. No new matter is added.

Priority

Applicants appreciate the Examiner's acknowledgment that all certified copies of the priority documents have been received in this National Stage Application from the International Bureau.

Information Disclosure Statement

Applicants note with appreciation the Examiner's consideration of the references cited in the Information Disclosure Statements filed on January 18, 2005, April 18, 2005, September 18, 2008 and November 3, 2008.

Drawings

Applicants note that the Drawings filed on January 18, 2005 have been accepted.

Rejections under 35 U.S.C. § 112

Claim 4 stands rejected under 35 U.S.C. § 112 because of insufficient antecedent basis. Claim 1, upon which claim 4 is dependent, has been amended to recite "a dispersion liquid." Therefore, Applicants respectfully request that the Examiner withdraw this rejection.

Rejections under 35 U.S.C. § 102

1. Claims 1-5, 17-21 and 25 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Wang et al. (Aug. 2002) "Continuous particle self-arrangement in a microcapillary," hereinafter "Wang." Applicants respectfully traverse this rejection for the following reasons.

The present application claims priority to Japanese Application No. 2002-210144, which has a filing date of July 18, 2002. Wang has a prior art date of Aug. 2002. Therefore, the priority application JP 2002-210144 has an earlier date than Wang. Since Applicants have concurrently filed herewith a certified English translation of JP 2002-210144, Wang does not qualify as prior art.

Therefore, Applicants respectfully request that the Examiner withdraw this rejection.

2. Claims 1-3, 5-7, 17-20, 22 and 25 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Li et al. (April 2003), hereinafter "Li." Applicants respectfully traverse this rejection for the following reasons.

As stated above, the present application claims priority to Japanese Application No. 2002-210144, which has a filing date of July 18, 2002. Li has a prior art date of April 2003. Therefore, the priority application JP 2002-210144 has an earlier date than Li. Since Applicants have concurrently filed herewith a certified English translation of JP 2002-210144, Li does not qualify as prior art.

Therefore, Applicants respectfully request that the Examiner withdraw this rejection.

3. Claims 1, 3, 5, 7, 12, 14, 17-22 and 25 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Kenis et al. (July 1999), hereinafter "Kenis." Applicants respectfully traverse this rejection for the following reasons.

Claim 1 requires, *inter alia*, "forming a particle layer ...by causing a dispersion liquid of particles to flow through the reactor and drying the reactor." At least this feature is not disclosed or suggested by Kenis.

Kenis discloses a method of causing a reaction of species in a laminar flow inside a capillary. Two or more species, each of which is in a distinct fluid stream, move in the same capillary. The species are mixed by diffusion across an interface.

The Examiner relies on the method of Kenis to teach the "forming a particle layer," of claim 1. However, in Kenis, the species are mixed by diffusion across an interface. Accordingly, Kenis fails to disclose the "forming a particle layer ...by causing a dispersion liquid of particles to flow through the reactor and drying the reactor," as required by claim 1. This is further supported by the fact that claim 2, the subject matter of which is now incorporated in claim 1, was not rejected under 35 U.S.C. § 102(b) as being anticipated by Kenis.

Therefore, claim 1 is patentable over Kenis. Claims 3, 5, 7, 12 and 14, which are dependent upon claim 1, are patentable for at least the reasons set forth above with regards to claim 1.

Claim 17 requires, *inter alia*, a particle layer "including particles, provided on an inner wall of the reactor, the particles being composite particles supporting a functional material." At least this feature is not disclosed or suggested by Kenis.

The Examiner relies on Figure 2B of Kenis to teach the "particle layer" of claim 17. However, Figure 2B of Kenis illustrates "a polymeric structure was precipitated at the interface between two aqueous phases containing oppositely charged polymers

flowing laminarly in parallel.” Accordingly, Kenis fails to disclose that the particles are “composite particles supporting a functional material,” as required by claim 17.

Furthermore, the above-identified feature of claim 17 was incorporated from original claim 23. Claim 23 was not rejected under 35 U.S.C. § 102(b) as being anticipated by Kenis et al. (July 1999). Thus, Applicants submit that at least this feature is not disclosed or suggested by Kenis.

Claims 18-22 and 25, which are dependent upon claim 17, are patentable for at least the reasons set forth with regards to claim 17.

Therefore, Applicants respectfully request that the Examiner withdraw the rejection of claims 1, 3, 5, 7, 12, 14, 17-22 and 25 under 35 U.S.C. § 102.

For at least the foregoing reasons, Applicants respectfully request that the rejections under 35 U.S.C. § 102 be withdrawn.

Rejections under 35 U.S.C. § 103

1. Claims 6-11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang. Applicants respectfully traverse this rejection for the following reasons.

As stated above, the priority application JP 2002-210144 has an earlier date than Wang. Since Applicants have concurrently filed herewith a certified English translation of JP 2002-210144, Wang does not qualify as prior art.

Therefore, Applicants respectfully request that the Examiner withdraw this rejection.

2. Claims 12-16 and 22-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang in view of Li.

As stated above, the priority application JP 2002-210144 has an earlier date than Wang and Li. Since Applicants have concurrently filed herewith a certified English translation of JP 2002-210144, Wang and Li do not qualify as prior art.

Therefore, Applicants respectfully request that the Examiner withdraw this rejection.

For at least the foregoing reasons, Applicants respectfully request that the Examiner withdraw the rejections under 35 U.S.C. § 103.

CONCLUSION

In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.


Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Donald J. Daley at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNES, DICKEY, & PIERCE, P.L.C.

By


Donald J. Daley, Reg. No. 34,313
P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

DJD/BMH:akp ^{5/14}

Attachments: English translation of JP 2002-210144
Verification of Translation